



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4688

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.155
745 ILCS 10/5-107 new
745 ILCS 49/70

Amends the Emergency Medical Services (EMS) Systems Act. Provides that emergency medical personnel from outside Illinois are not prevented from rendering requested assistance in Illinois while participating within a formal mutual aid system. Provides that immunities in the Act apply to the specified activities performed by personnel from outside Illinois (instead of providing that there is no immunity for these activities). Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that a local entity outside of Illinois, or any of its employees, providing fire and rescue services in Illinois under a mutual aid agreement with the State or a political subdivision shall have the same immunities as do public entities and employees in Illinois. Amends the Good Samaritan Act. Provides that the immunity provided for law enforcement officers, firemen, EMTs, and first responders also applies to similar employees from outside Illinois who provide services under a mutual aid agreement with Illinois or one of its political subdivisions. Effective immediately.

LRB095 17670 AJO 43744 b

1 AN ACT concerning immunities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems Act
5 is amended by changing Section 3.155 as follows:

6 (210 ILCS 50/3.155)

7 Sec. 3.155. General Provisions.

8 (a) Authority and responsibility for the EMS System shall
9 be vested in the EMS Resource Hospital, through the EMS Medical
10 Director or his designee.

11 (b) For an inter-hospital emergency or non-emergency
12 medical transport, in which the physician from the sending
13 hospital provides the EMS personnel with written medical
14 orders, such written medical orders cannot exceed the scope of
15 care which the EMS personnel are authorized to render pursuant
16 to this Act.

17 (c) For an inter-hospital emergency or non-emergency
18 medical transport of a patient who requires medical care beyond
19 the scope of care which the EMS personnel are authorized to
20 render pursuant to this Act, a qualified physician, nurse,
21 perfusionist, or respiratory therapist familiar with the scope
22 of care needed must accompany the patient and the transferring
23 hospital and physician shall assume medical responsibility for

1 that portion of the medical care.

2 (d) No emergency medical services vehicles or personnel
3 from another State or nation may be utilized on a regular basis
4 to pick up and transport patients within this State without
5 first complying with this Act and all rules adopted by the
6 Department pursuant to this Act.

7 (e) This Act shall not prevent emergency medical services
8 vehicles or personnel from another State or nation from
9 rendering requested assistance in this State in a disaster
10 situation, or while participating within the Mutual Aid Box
11 Alarm System, an Illinois intergovernmental agency, or a
12 similar formal mutual aid system organized and operating
13 pursuant to the Intergovernmental Cooperation Act, or
14 operating from a location outside the State and occasionally
15 transporting patients into this State for needed medical care.
16 The immunities provided in Section 3.150 of this Act shall
17 apply to such activities ~~Except as provided in Section 31 of~~
18 ~~this Act, this Act shall not provide immunity from liability~~
19 ~~for such activities.~~

20 (f) Except as provided in subsection (e) of this Section,
21 no person or entity shall transport emergency or non-emergency
22 patients by ambulance, SEMSV, or medical carrier without first
23 complying with the provisions of this Act and all rules adopted
24 pursuant to this Act.

25 (g) Nothing in this Act or the rules adopted by the
26 Department under this Act shall be construed to authorize any

1 medical treatment to or transportation of any person who
2 objects on religious grounds.

3 (h) Patients, individuals who accompany a patient, and
4 emergency medical services personnel may not smoke while inside
5 an ambulance or SEMSV. The Department of Public Health may
6 impose a civil penalty on an individual who violates this
7 subsection in the amount of \$100.

8 (Source: P.A. 92-376, eff. 8-15-01.)

9 Section 10. The Local Governmental and Governmental
10 Employees Tort Immunity Act is amended by adding Section 5-107
11 as follows:

12 (745 ILCS 10/5-107 new)

13 Sec. 5-107. Out-of-State providers. Any local public
14 entity from another state or nation, and any public employee of
15 such an entity acting within the scope of his or her
16 employment, who is providing fire protection and rescue
17 services within this State pursuant to a mutual aid agreement
18 with the State of Illinois or any political subdivision of the
19 State, or while participating within the Mutual Aid Box Alarm
20 System, an Illinois intergovernmental agency, or a similar
21 formal mutual aid system organized and operating pursuant to
22 the Intergovernmental Cooperation Act, shall have the same
23 immunities that local public entities and public employees have
24 under this Act.

1 Section 15. The Good Samaritan Act is amended by changing
2 Section 70 as follows:

3 (745 ILCS 49/70)

4 Sec. 70. Law enforcement officers, firemen, Emergency
5 Medical Technicians (EMTs) and First Responders; exemption
6 from civil liability for emergency care. Any law enforcement
7 officer or fireman as defined in Section 2 of the Line of Duty
8 Compensation Act, any "emergency medical technician (EMT)" as
9 defined in Section 3.50 of the Emergency Medical Services (EMS)
10 Systems Act, and any "first responder" as defined in Section
11 3.60 of the Emergency Medical Services (EMS) Systems Act, who
12 in good faith provides emergency care without fee or
13 compensation to any person shall not, as a result of his or her
14 acts or omissions, except willful and wanton misconduct on the
15 part of the person, in providing the care, be liable to a
16 person to whom such care is provided for civil damages. The
17 immunities provided in this Section shall apply to any
18 firefighter, EMT, paramedic, special operations personnel, or
19 other first responder from another state or nation who is
20 providing emergency care pursuant to a mutual aid agreement
21 with the State of Illinois or any political subdivision of the
22 State.

23 (Source: P.A. 93-1047, eff. 10-18-04; 94-826, eff. 1-1-07.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.